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EXAMINER

HEVEY, JOHN A

ART UNIT

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1793

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Request for Reconsideration

1. Applicant's arguments filed 4/15/2009 have been fully considered but they are not persuasive.
2. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).
3. In response to applicant's argument regarding Gutjahr, the reference teaches a method of making a porous metal sintered body comprising forming a mixture of one or more metal powders such as copper, silver, manganese, cobalt, iron and nickel in elemental or soluble salt form (see col 2, ln 8-25). It would have been obvious to one of ordinary skill in the art to modify the teachings of Hoshino to select a metal powder comprising a soluble metal salt as taught by Gutjahr, in order to enhance the quality of the porous body, thus maximizing the industrial applicability of the invention. One of ordinary skill in the art would appreciate the ability to substitute known materials in the production of porous metal bodies with the predictable result of success. The specific final products and/or methods as taught by Gutjahr and Jones are not relevant to the instant combination.
4. Jones teaches a method of making porous inorganic bodies, and teaches the use of viscosifying agents such as polyvinyl alcohol, dextran, starch, hydroxyethyl cellulose

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(see col 3, ln 51-60). Thus, one of ordinary skill would appreciate that the resin binder compounds taught by Hoshino and the viscosifying agents taught by Jones are substitutes, as they comprise many of the same compounds and serve substantially the same purpose. It would have been obvious to one of ordinary skill to substitute the binder compound of Hoshino such as PVA with dextran as taught by Jones, in order to enhance the formation of a porous body.

5. Finally, the claims as amended will be entered, as they correct a minor typographical error and do not alter the scope of the claims.

/J. A. H./

Examiner, Art Unit 1793

/Kevin P. Kerns/

Primary Examiner, Art Unit 1793